realization as the end, and promotion in whatever way of the maximum of self-realization as the means. In this way the ideas of the Benthamite individualists are not to be wholly rejected, they are rather to be curbed. They represent a stage in the development of the ideas of justice and liberty, not a set of ideas which have been completely superseded and have no more than a historical interest. Self-realization includes self-assertion, and therefore the attempt of the Benthamites to secure self-assertion was a legitimate undertaking, pressed to extravagant consequences because self-assertion was taken for the whole. This position is not very different from that taken by those pragmatists and sociologists who see in justice the satisfaction of the maximum of human demands at the least cost to other human demands. In any event individual self-assertion has a legitimate place in the scheme. Nor is the theory very different from the doctrine of liberty through society which so many sociologists have been preaching. Dr. Brown tells us that "the ideal of liberty has two aspects. It affirms from one point of view the duty of the state to regard each citizen as an end in himself; from another it affirms the right of the state to regard the citizen as a means to the general well-being." Accordingly he finds the two fundamental principles in "the worth of man and the unity of society."

British sociology has been slow to respond to the psychological movement. The author, however, if he has not read Ward, has read and made good use of Dr. Ross's "Social Control and Social Psychology." One could wish that he had devoted more attention to the German social philosophical jurists. One cannot but feel that the idealistic interpretation of jurisprudence and of the history of legislation, the finding of the end of law in liberty and much of the discussion of the idea of liberty, is too much in the vein of the metaphysical jurisprudence of the last century. But the task of the social philosophical jurist who writes in English at present is a hard one, and much may be forgiven a pioneer whose work is as well done as Dr. Brown's work in this book.

Unhappily there is no index, a defect which we have come to accept with resignation in German and French books, but which is an unacceptable innovation in an English book. R. P.

A SHORT HISTORY OF ENGLISH LAW. From the Earliest Times to the end of the Year 1911. By Edward Jenks. Boston: Little, Brown, and Company. 1912. pp. xxxviii, 390.

A history of the whole of English law in less than four hundred pages for the average student whose time is limited is the task which Mr. Jenks has set for himself and has skilfully performed. To state in readable form with some attempt at completeness the development of our law from the Anglo-Saxon dooms to the year 1911 requires at least a winning style, a clear head, and a sense of historical perspective. The author's reputation in these respects has been sustained by this book. We regret, however, the self-imposed restriction in his discussion of the origin and development of the courts. This is partly the cause of his devoting only sixty-seven pages to legal history down to 1272. Here, as elsewhere, he has shown us that he can think for himself; and, even if other writers have covered this period fully, it is a pity that we cannot have Mr. Jenks's full strength. From 1272 to modern times, a period less authoritatively covered by others, we have about three hundred pages; and here again, after admiring the agreeable style, the clever articulation of subject matter, and the general accuracy, the feeling is one of regret at not having a complete scholarly work rather than a "modest, but comprehensive, manual." One asks oneself whether a sketchy account of such a great subject is really worth while.

Is not a book for the average student whose time is limited, or for the lawyer who wishes to get hastily a superficial account, clearly and briefly stated, of the historical origin of some doctrine, disappointing from a source which might well supply advanced scholarship?

Nevertheless, given the author's problem, it is difficult to see how it could be better performed. The author has wisely avoided the "vertical" method of tracing each institution from its origin, and treats the history of the law in four natural periods: Pre-Norman; 1066–1272; 1272–1660; 1660–1911. The chapter on the law of chattels and the chapters covering contract and tort are particularly well done. He places Glanvil's writ of debt beside his writ of right, and shows their striking resemblance. Debt was essentially a real action, and likewise its sister remedy, detinue. The explanation of the common notion based on Bracton, Book III, ch. 3 (4), that there never was any real action for a chattel he finds in a custom designed since Glanvil's day at first to protect the plaintiff in detinue, *i. e.*, that the plaintiff must put a price on his chattel in order that he might recover its value if the defendant had parted with it. The court thus "got into the habit of giving judgment for the return of the chattel *or its value*, an alternative not unnaturally interpreted by defendants in their favour." (pp. 57–59.) The chapters on contract and tort are models of compressed exposition. Here again there is enough independent thinking to tantalize the reader at the lack of space.

The final period he divides into chapters on: Modern Authorities and the Legal Profession, Reform by Equity, Changes in the Land Law, New Forms of Personal Property, Contract and Tort, Reform in the Criminal Law, and Modern Civil Procedure. The treatment here in special topics might be subject to the criticism that the reader's attention is not sufficiently concentrated on the broad underlying principles of reform in the nineteenth century, but the discussion in the chapters on reform in criminal law and on civil procedure makes this objection less pertinent. More space might well be given to the law merchant. Brevity has led to one inaccuracy. The liability of a husband for his wife's contract is placed upon grounds of agency.[1] This, of course, is not always true. The liability is often quasi-contractual.[2] The author himself has recognized in another place that a case may be put that breaks down the theory of an express agency.[3] J. W.

HISTORICAL INTRODUCTION TO THE ROMAN LAW. By Frederick Parker Walton, Professor of Roman Law and Dean of the Faculty, McGill University, Montreal. Second Edition, Revised and Enlarged. Edinburgh and London: William Green and Sons. 1912. pp. xvii, 392.

In the second edition Professor Walton's book is not merely increased by half its former bulk, but it is revised and greatly improved throughout, so as almost to be a new book. Moreover, especial endeavor appears to have been made to bring it up to date in all respects. The latest and best authorities have been studied zealously and put to good use. In a field so long trodden and retrodden by masters of law and of history, the writer of a student's text may not be asked to do more.

The book was written primarily for Quebec, to serve as a prelude to the study of the Institutes in a jurisdiction where dogmatic study of Roman law is a necessary basis of legal education. With us, where dogmatic study of Roman law is of value chiefly, if not solely, as an introduction to comparative law, and

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[1] P. 306. [2] 9 Col. L. Rev. 72.
[3] Jenks, Digest of English Civil Law, Book I, pp. 56, 57.